

**To:** Swenson, Peter[swenson.peter@epa.gov]  
**Cc:** Ex. 6 - Personal Privacy  
**From:** Ex. 6 - Personal Privacy  
**Sent:** Fri 5/26/2017 4:20:30 PM  
**Subject:** Re: Your email message regarding the Back Forty Project

Peter Swenson i

Thank you for your timely response.

I must let you know that the public comment locations are not near or ever in our city of 8,000 residents. The Back Forty Project is located, upstream, in our county, 25-30 minutes from the mouth of the Menominee River. Public comment locations have been located up in the small town of Stephenson, Michigan, population of 1,100 and the newspaper notices have been buried and difficult to find. Our city is located, downstream, at the mouth of the River. Our twin city, Marinette, Wisconsin, population of 11,000 is also located at the mouth of the River. Our cities draw their water out of Green Bay just north of the river channel.

Our primary concern is safe drinking water for all citizens: pregnant women, infants, toddlers, children, adults, and seniors!

Why isn't the public forum held where the majority of the population live that will be affected by the mining operation?

We had a public informational meeting, May 24th at our local Menominee High School Lecture hall with 130 plus people attending. Joe Maki, U.P Michigan Department of Environmental Quality cancelled his scheduled informational talk because Al Gedicks, professor of sociology emeritus at UW-La Crosse, was also invited to speak about the potential hazards a sulfide mine could bring to the environment. The Menominee Indian Nation attended as well. The local paper said the public made statements, yes, concern for their wells across from and near the mine along both sides of the river into our cities. We mostly asked questions but Joe Maki was not there to help us find answers. Mr. Gedicks presented factorial photos, graphs, tables, and research information. As a representative from the state of Michigan, Mr. Maki threw away his opportunity to his fellow citizens.

I greatly appreciate your willingness to exchange information. Please let me know where and when the next posted public comment location is going take place.

Gratefully,

**Ex. 6 - Personal Privacy**

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**From:** Swenson, Peter <swenson.peter@epa.gov>  
**Sent:** Friday, May 26, 2017 9:29 AM  
**Subject:** Your email message regarding the Back Forty Project

Thank you for your recent email message expressing concerns about the proposed Aquila Resources Inc. Back Forty Project in Menominee County, Michigan.

As currently proposed, the Back Forty Project requires a number of permits, including permits required by federal statute. The State of Michigan has the authority and responsibility to review permit applications and issue these permits. In its oversight role, EPA reviews the State's permits to ensure their consistency with federal statutes. EPA has engaged with the Michigan Department of Environmental Quality (MDEQ) on each of the following permits required by federal law:

Clean Air Act Permit: During the public comment period, EPA stated its concerns with some of the draft air construction permit conditions. As part of its permitting process, MDEQ provided a response to comments document addressing EPA's comments and all comments received during the public comment period at time of final air construction permit issuance. MDEQ revised certain permit conditions to address EPA's concerns.

Clean Water Act Section 402 Permit (wastewater discharge permit): EPA provided comments on the draft permit during the public comment period. MDEQ provided a revised permit and the State's responses to comments. EPA provided additional comments to MDEQ on the revised permit. EPA's comments were focused primarily on toxicity testing and ambient monitoring requirements. EPA's comments were accepted by MDEQ and incorporated into the permit before it was issued on April 5, 2017.

Clean Water Act Section 404 Permit (wetlands permit): In August 2016, EPA objected to MDEQ issuing a 'Wetlands and Inland Lakes and Streams Permit.' Aquila Resources Inc. subsequently withdrew its MDEQ permit

application. In January 2017, Aquila Resources Inc. re-applied to MDEQ. After MDEQ completes review of the application for completeness, MDEQ will issue a public notice, at which time, the public, tribes, and EPA will have an opportunity to provide comments. EPA will provide a thorough review of the revised permit application at that time. The past wetland application materials are located at [miwaters.com](http://miwaters.com), and the wetlands public notice will be posted there once it is issued.

Michigan also maintains state authority to issue mining permits under Part 632 of its Natural Resources and Environmental Protection Act. EPA does not have authority to oversee the State's Part 632 permits. If you have formal comments you wish to make, we recommend you submit them to the MDEQ within the relevant comment periods.

EPA is committed to ensuring that permits issued by MDEQ for the Back Forty Project comply with applicable federal environmental protection laws.

Thank you for your interest in this matter.

Peter Swenson

Chief, Watersheds and Wetlands Branch

U.S. Environmental Protection Agency, Region 5